



# **A Guide to Working in the Road Reserve**

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# 1 INTRODUCTION

## 1.1 The Road Management Act

The *Road Management Act 2004* was passed on 11 May 2004. The Act was developed to provide a more efficient and safer Victorian road network, and is the result of extensive stakeholder and community consultation.

The Road Management Act is based on the following key principles:

- Clear allocation of road asset ownership and management,
- Established processes and accountabilities for policy decisions and performance standards,
- Provision of operational powers to achieve targets and performance standards, and
- Clarification of civil liability laws for the management of roads.

## 1.2 Effect on Utility Infrastructure, Individuals, and Service Providers

The Road Management Act affects individuals working in road reserves, where they are not conducting work on behalf of road authorities or utilities, utility infrastructure and service providers in the following ways:

- Recognition of the legitimate use of road reserves for the provision of utility services.
- Establish principles for the management of works and infrastructure, including the efficient use of road authority and utility resources.
- Enable improved planning, coordination and safety of works within road reserves.
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- Enable improved planning, coordination and safety of works within road reserves.
- Require coordinating road authorities to respond to requests for works within road reserves within 20 days, unless varied by regulations.
- Provide for:
  - Utilities being required to obtain the consent of the coordinating road authority for certain works impacting on roads and provide notification prior to installation of infrastructure unless exempted by regulations;
  - Regulations to define consent exemptions for classes of utility infrastructure works within road reserves that do not have a significant impact on road safety, traffic and other infrastructure;
  - Regulations to restrict powers of a coordinating road authority to impose certain consent conditions and set any fees for consent (subject to the regulatory impact statement process);
  - A Code of Practice for coordination of infrastructure within road reserves;
  - emergency utility works to be exempt from any consent requirements; and
  - An amendment to the Road Safety Act 1986, and supported by regulations, to require any person who manages works on a road to have an approved traffic management plan and to use properly trained and qualified staff.

## 1.3 Requirements of Individuals and Working in Road Reserves

The Road Management Act sets down specific requirements for individuals working in the road reserve, including the following:

- Obtaining consent from the coordinating road authority for works impacting on roads and provide notification of the installation of infrastructure, subject to exemptions in regulations.
- Individuals are required to adequately reinstate roads after completion of repairs or new works.
- Individuals are required to notify coordinating road authorities following completion of works, subject to exemptions in regulations.
- Individuals are required to notify other works and infrastructure managers where they are affected by the individuals' work.
- Individuals are required to consult with affected members of the community.
- Individuals are responsible for the repair of road infrastructure damaged by failure of their infrastructure.
- People who conduct works on a road are required to have an appropriate traffic management plan and to use appropriately trained and qualified staff and be covered adequately for public liability insurance with a minimum of \$10 million.
- Individuals are required to take reasonable measures to maintain their infrastructure or works to a satisfactory standard.

## 1.4 Requirements of Utility Infrastructure and Service Providers

The Road Management Act also sets down specific requirements for utility infrastructure and service providers, including the following:

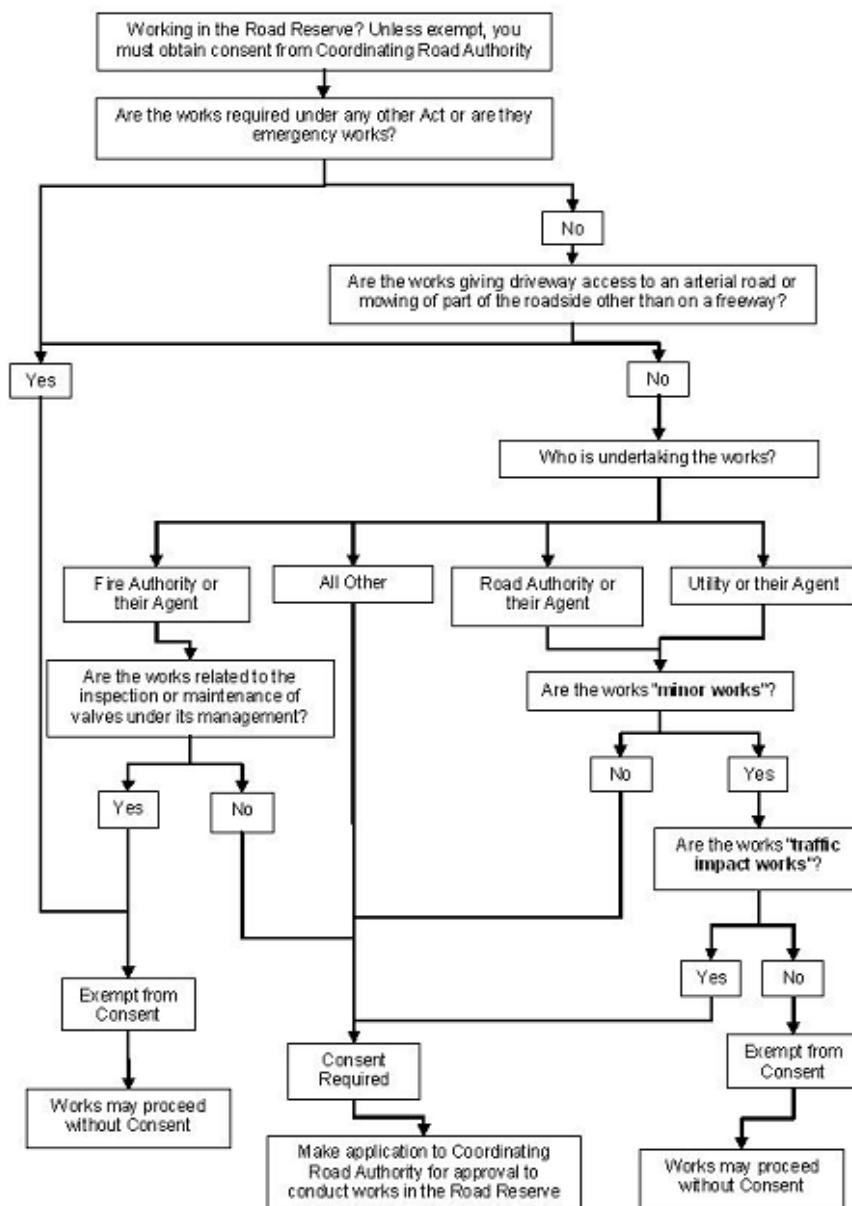
- Utilities are required to obtain consent from the coordinating road authority for works impacting on roads and provide notification of the installation of infrastructure, subject to exemptions in regulations.
- Utilities are required to adequately reinstate roads after completion of repairs or new works.
- Utilities are required to notify road authorities following completion of works, subject to exemptions in regulations.
- Utilities are required to notify other works and infrastructure managers where they are be affected by the utility works.
- Utilities are required to consult with affected members of the community.
- Utilities are responsible for the repair of road infrastructure damaged by failure of utility infrastructure.
- People who conduct works on a road are required to have an appropriate traffic management plan and to use appropriately trained and qualified staff.
- Utilities are required to take reasonable measures to maintain utility infrastructure or works to a satisfactory standard.

## 2 CONSENT PROCESS

### 2.1 Working in the Road Reserve

Any individual, utility or agent of a utility must obtain consent from the Golden Plains Shire to undertake works on, in or under any road for which it is the coordinating road authority unless exempt under the *Road Management (Works & Infrastructure) Regulations 2005*.

These guidelines provide important information for anyone proposing to undertake any works in a road reserve. The following flow chart will help determine whether you must obtain consent from Council for the works or if an exemption applies.



## 2.2 What are 'Minor Works'?

'Minor works' are:

Works consisting of:

- i. The installation, repair or maintenance of aerial cables or other overhead non-road infrastructure; or
- ii. The connection of a consumer to a service provided by, or intended to be provided by, a utility— other than supply extension works;

Works consisting of the repair or maintenance of street lighting;

Works consisting of the excavation of:

- iii. Any part of a road other than a roadway, pathway or shoulder; or
- iv. An area of a roadway, pathway or shoulder not exceeding 8.5 square metres;

Works consisting of using an access hole for the purpose of accessing, repairing or maintaining infrastructure under a road;

Works consisting of the installation, repair or maintenance of traffic control items carried out in accordance with the Road Safety Act 1986 and the regulations made under that Act;

Works consisting of:

- v. The repair or maintenance of poles; or
- vi. The replacement of a single pole in an urban area (not being part of a replacement of 2 or more consecutive poles); or
- vii. The replacement or relocation of not more than 3 poles in an area other than an urban area (not being part of a replacement or relocation of more than 3 consecutive poles);

Works consisting of the pruning of a tree or other vegetation;

Works consisting of the removing of a tree or other vegetation:

- viii. By a road authority or an agent of a road authority; or
- ix. By a utility or an agent of a utility in accordance with an Act other than the Road Management Act 2004;

- (l) Works, other than works referred to above, conducted for the purpose of repair, inspection, operation or testing of an asset or for the purposes of a survey— but does not include works that consist of, or include, the excavation of an area of a roadway, pathway or shoulder that exceeds 8.5 square metres.

*(Road Management (Works & Infrastructure) Regulations 2005—Regulation 4 - Definitions)*

## 2.3 What are 'Traffic Impact Works'?

'Traffic Impact Works' means works:

a) Conducted –

- i. on a link, collector or access road and that require the deviation of vehicular traffic into an on coming
- ii. traffic lane; or
- iii. in a clearway when it is in operation; or
- iv. on, or partly on, or that affect, a bridge or other structure; or

That require the closure to vehicular traffic of a part of a roadway for a continuous period of more than 12 hours or for more than 24 hours in 7 days; or That have a significant impact on road safety, traffic or other infrastructure.

## 3 APPLICATION FOR CONSENT

### 3.1 Consent Application

An application for consent to conduct work in a road reserve must be made to the Coordinating Road Authority for that road.

If you are unsure, it is recommended that you contact either VicRoads or the Golden Plains Shire on 5220 7111.

### 3.2 Consent Application Fees

Consent application fees are expected to be paid in full to the Golden Plains Shire at time of lodgement of the application form.

Council may issue invoices to a Utility that has a large number of applications under their normal commercial terms.

The following fees are payable when you lodge an application for consent.

Road Classification	Works, other than minor works		Minor Works	
	Conducted on any part of the roadway, shoulder or pathway	Not Conducted on any part of the roadway, shoulder or pathway.	Conducted on any part of the roadway, shoulder or pathway	Not Conducted on any part of the roadway, shoulder or pathway.
Municipal road or non arterial State road where maximum Speed limit at any time is more than 50kph	45 \$595.80	25 \$331.00	11.5 \$152.30	5 \$66.20
Municipal road or non arterial State road where maximum Speed limit at any time is not more than 50kph	20 \$264.80	5 \$66.20	11.5 \$152.30	5 \$66.20

Table 2.0 - Fee Units

**Note:** As at 1 July 2014, one fee unit equals \$13.24. Fees are reviewed each financial year and changes (if any) apply from 1 July each year.

### 3.3 Information to be Included on Applications for Consent

Council has a standard application for consent form and it is recommended that it be used when making your application.

This application form outlines the details that are required and when completed in full, will supply sufficient information to allow Council to assess your application.

When completing the form it is important to:

- a) Describe the type of activities you intend to undertake including:
  - i. the location of the works and nearby road and utility infrastructure;
  - ii. the scope and type of work;
  - iii. the proposed timing of the works; and
  - iv. the proposed methods of minimising the effects of the work on any road infrastructure, road safety and/or traffic operations (traffic management);

Confirm advice has been provided to utilities whose assets might be affected by the proposed works;

Confirm the process of consultation with others (such as abutting land owners) likely to be significantly affected by the proposed works; and

Where appropriate, confirm that health and safety risks associated with the proposed works and the ongoing operation of the proposed infrastructure have been considered.

*(Code of Practice - Management of Road and Utility Infrastructure in Road Reserves – Clause 33)*

### 3.4 Works Affecting Other Infrastructure in the Road Reserve

An infrastructure manager or works manager must give notice to any other infrastructure manager or works manager responsible for any infrastructure in the area which could be affected by any proposed installation of infrastructure or related works on a road or the road reserve of any road. In doing so, the infrastructure manager or works manager must negotiate in good faith so as to minimise any adverse effects on any other road or non-road infrastructure.

This does not apply if the proposed installation of infrastructure or related works are necessary because of an emergency, but the infrastructure manager or works manager must advise any other infrastructure manager or works manager responsible for road or non-road infrastructure in the area as soon as is reasonably practicable.

*(Road Management Act, Schedule 7– Clause 8)*

This means that if you are likely to impact on someone else's infrastructure, you consult with them before you commence any works.

### 3.5 Traffic Management Plans

In accordance with the *Road Management Act 2004* and *Road Safety Act 1986* you may be required to have in effect a Traffic Management Plan (TMP) to address any traffic management (including vehicles and pedestrians) requirements that may be necessary to carry out the works.

If you are required to submit a TMP, it must be prepared by a suitably trained and qualified person. The plan must include the details of how you propose to undertake the proposed works.

The TMP shall require the installation of Traffic Signs and Devices which are required for the safe guidance of all traffic, road users, and pedestrians. The Applicant will also be requested to comply with the *Occupational Health and Safety Act 2004*, Australian Standard 1742.3 and all other relevant Acts, Regulations, Australian Standards, and Codes of Practice.

Safe pedestrian access shall be maintained at all times, including provision of physical barriers to hazards, provision of safe temporary access, signage and lighting in accordance with Australian Standard 1742.3.

Guidance in preparing Traffic Management Plans can be found in the Code of Practice for Worksite Safety—Traffic Management. It is recommended that a copy of the traffic management plan be retained at the worksite at all times.

It is recommended that a copy of the TMP be retained at the worksite at all times.



## 3.6 Risk Management Plans

Road Authorities, Infrastructure Managers or works managers who are undertaking works in the road reserve may prepare a risk management plan to identify risk mitigation measures they intend to adopt when carrying out works in road reserves.

The plan should be developed in accordance with the approach outlined in *AS/NZS 4360: 2004 Risk Management*. The major risk areas to be managed are:

- a) Safety of all users of the road reserve, workers and the public,
- b) The integrity of road infrastructure,
- c) Traffic disruption,
- d) Any adverse effects on the future development of both road and non-road infrastructure, and
- e) The effective and efficient delivery of utility services.

Guidance undertaking risk assessments and preparing risk management plans can be found in the Code of Practice for Worksite Safety—Traffic Management.

*(Code of Practice - Management of Road and Utility Infrastructure in Road Reserves - Clause 32)*

## 4 CONSIDERATION OF APPLICATIONS FOR CONSENT

The Golden Plains Shire as a coordinating road authority must make a decision within a prescribed time otherwise consent is deemed to have been given.

### 4.1 What are 'Supply Extension Works'?

'Supply extension works' means the connection of a consumer to a service provided, or intended to be provided, by a utility:

- a) In an urban area by means of-
  - i. underground works over a distance exceeding 100 metres; or
  - ii. overhead works involving the installation of more than one additional pole;

In any other area, by means of-

- iii. Underground works over a distance exceeding 300 metres; or
- iv. Overhead works involving the installation of more than 3 additional poles;

*(Road Management (Works & Infrastructure) Regulations 2005—Regulation 4 - Definitions)*

### 4.2 Conditions of Consent

- a) A coordinating road authority may, having regard to the works and infrastructure management principles, give its consent subject to any reasonable conditions relating to the conduct of the proposed works which the coordinating road authority considers appropriate.
- b) Conditions of consent may include conditions relating to-
  - i. The location of any proposed infrastructure;
  - ii. The timing of any works;
  - iii. The use of any infrastructure.

*(Road Management Act Schedule 7, Clause 16, (6) & (7))*

## 4.3 Conditions that Cannot be Placed on Consent

- 1) A coordinating road authority must not impose on a consent given under section 63(1) of the Road Management Act 2004—
  - a) A condition relating to visual amenity or aesthetics unless the condition relates to road infrastructure;
  - b) A condition relating to the technical design of, or the equipment or techniques used in the installation of, a service provided by a utility;
  - c) A condition that is not reasonably relevant to the conduct of the works;
  - d) A condition requiring non-road infrastructure that would normally be placed above ground to be placed under a road;
  - e) A condition relating to environmental impact considerations other than in relation to the matters referred to in clause 14 of Schedule 7 to the Road Management Act 2004;
  - f) A condition requiring an indemnity other than an indemnity in respect of the conduct of the works that does not extend beyond a 12 month warranty period.
  
- 2) A coordinating road authority must not impose on a consent given to a utility under section 63(1) of the Road Management Act 2004 a condition relating to financial security in respect of the conduct of the works, other than an indemnity in respect of the conduct of the works that does not extend beyond a 12 month warranty period.  
*(Road Management (Works & Infrastructure) Regulations 2005—Regulations 14, (1) & (2))*

## 4.4 Dispute Resolution

Section 125(2) of the *Road Management Act 2004* states, 'any dispute arising between a road authority and a utility is to be determined by the relevant road Minister and the relevant utility Minister or their joint nominees, having regard to the works and infrastructure management principles'.

From a practical perspective, utilities and road authorities are encouraged to adopt the dispute resolution process outlined in clause 62 of the Code of Practice - Management of Road and Utility Infrastructure in Road Reserves. Every endeavour should be made to resolve disputes as quickly as possible with each party expected to bear its own costs.

*(Code of Practice - Management of Road and Utility Infrastructure in Road Reserves - Clause 62)*

The Road Management Act 2004 and the Code of Practice—Management of Road and Utility Infrastructure in Road Reserves provide processes to resolve disputes between a Utility and Road Authority. It is recommended that these processes be adopted in principle to resolve a dispute between a Coordinating Road Authority and any other person applying for consent.

## 4.5 Traffic Control through Work Sites

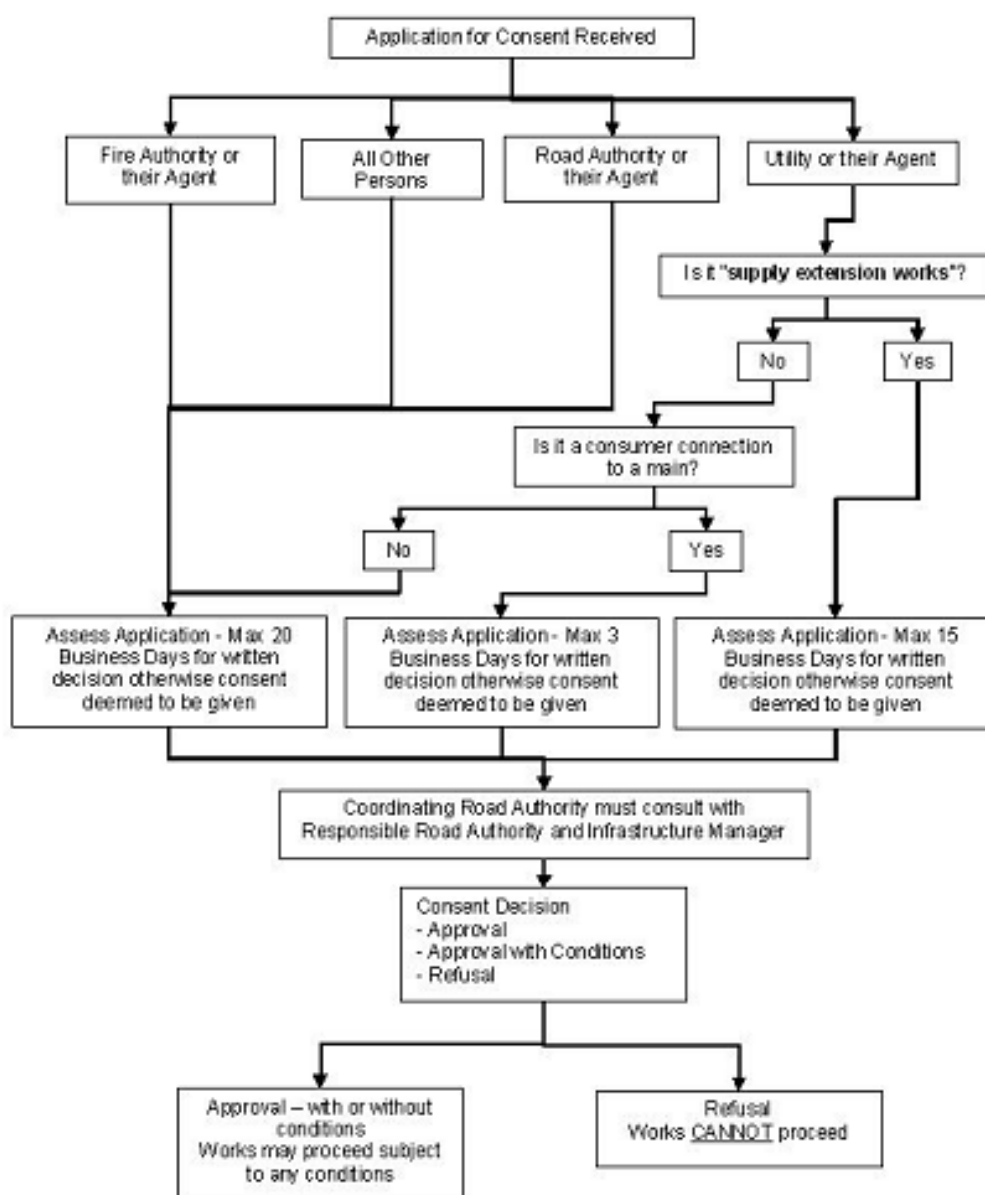
If you have assessed worksite safety in accordance with the Code of Practice for Worksite Safety—Traffic Management and wish to utilise a major traffic control item such as a temporary speed reduction or temporary traffic signals to control traffic through your worksite then you will require a 'Memorandum of Authorisation' from VicRoads.

This 'Memorandum of Authorisation' is separate from the Road Management Act consent and must be

obtained through a separate application to VicRoads.

Applications to VicRoads for a 'Memorandum of Authorisation' are required for all roads, not just arterial roads.

Please contact the VicRoads Regional office for application requirements.



## 4.6 Other Approvals before Commencing Work

Before works commence within the road reserve, infrastructure managers and works managers should ascertain if any other approvals are required.

Issues which may require separate approvals include:

- Vegetation removal - Department of Environment and Primary industries or Council
- Planning Permit - Local Council Planning Scheme
- Driveways on Arterial Roads - Planning Permit from Local Council
- Working under power lines - Local electricity supply company

## 5 CONDUCTING WORKS WITHIN A ROAD RESERVE

### 5.1 Consultation Process

#### 5.1.1 General Public

If you are an infrastructure manager or works manager who is proposing to install non-road infrastructure or conduct related works which are likely to significantly affect—

- c) Occupiers or owners of property near the road; or
- d) A class of road users or another section of the public.

You should conduct appropriate consultation with the persons likely to be significantly affected. (*Road Management Act - Schedule 7, Clause 10*)

#### 5.1.2 Infrastructure Managers

An infrastructure manager or works manager must give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area which could be affected by any proposed installation of infrastructure or related works on a road or the road reserve of any road.

The infrastructure manager or works manager must negotiate in good faith so as to minimise any adverse effects on any other non-road infrastructure.

If the proposed installation of infrastructure or related works are necessary because of an emergency, the infrastructure manager or works manager must advise any other infrastructure manager or works manager responsible for non-road infrastructure in the area which could be affected about the installation of non road infrastructure or related works as soon as is reasonably practicable.

This requirement does not apply if an exemption under the regulations applies.

(*Road Management Act - Schedule 7, Clause 8*)

### 5.2 Expiration of Consent

Your application form proposes that the works are to be undertaken between a start and an end date. Consent, with or without conditions, will have been given based on the information provided on the application form so in effect the consent approval will expire when the end date is passed.

You will need to negotiate with Council Should you wish to extend consent beyond the end date.

### 5.3 Alterations to Detail on a Consent Application Form

Council assesses the application for consent based on the information provided. If for some reason there is a need to change the timing details, methods or scope of work, etc, you should advise Council as soon as possible to enable it to reassess your application. Timing issues generally relate to impact on the community, traffic or significant local events.

If consent has already been given, it may be possible to negotiate a change to the consent approval without the need for a new application.

### 5.4 Legislative Obligations of Infrastructure Managers and Works Managers

- 1) An infrastructure manager or a works manager must have regard to the principles specified in this clause in the provision of non-road infrastructure on roads.
- 2) The primary purpose of a road is use by members of the public and authorised uses must be managed as far as is reasonably practicable in such a way as to minimise any adverse impacts on the primary purpose.
- 3) Without limiting the generality of sub-clause (2), authorised uses must be managed so as to
  - a) Minimise any damage to roads and road infrastructure;
  - b) Ensure that any works necessary for the provision of non-road infrastructure are conducted as quickly as practicable;
  - c) Minimise any disruption to road users;
  - d) Minimise any risk to the safety and property of road users and the public generally;
  - e) Facilitate the design and installation of infrastructure which minimises any risk to the safety of road users;
  - f) Ensure that the road and any other infrastructure is reinstated as nearly as practicable to the condition existing before the works necessary for the provision of the non-road infrastructure were conducted;
  - g) Protect and preserve existing significant roadside vegetation and sites of biological significance within the road reserve.

*(Road Management Act - Schedule 7, Clause 14)*

## 5.5 Conduct of Works

An infrastructure manager or works manager must—

- a) If practicable, use methods which do not involve excavating or breaking up the surface of a roadway or pathway or interfering with infrastructure in preference to methods that do;
- b) If it is necessary to excavate or break up the surface of a roadway or pathway, the works should be conducted-
  - i. At a time and in a manner to minimise as far as is reasonably practicable inconvenience to road users and other persons; and
  - ii. So as to minimise long term damage or disruption;
- c) As far as is practicable, reinstate at its own cost the roadway or pathway or infrastructure to the standard before the works were commenced.

*(Road Management Act – Schedule 7, Clause 5)*

## 5.6 Reinstatement Obligations

- a) In completing the works, the works manager must after the works are completed reinstate the roadway, pathway or area of roadside to the standard before the works were commenced—
  - a) As promptly as is reasonably practicable; and
  - b) As nearly as is reasonably practicable to an equivalent standard of quality and design; and
  - c) So as to ensure that any feature to assist persons with a disability is restored.

*(Road Management Act – Schedule 7, Clause 12)*

## 5.7 Reinstatement Standards

The infrastructure manager or works manager is responsible for arranging permanent reinstatement, and works should be carried out in accordance with generally accepted, quality assured specifications. Roads, footpaths and other parts of the road reserve are built with different materials depending on factors such as vehicle types, vehicle volumes, type of road use and geographic location.

All reinstatement works shall be completed in accordance with the provisions of the Golden Plains Shire's Reinstatement Guidelines. These guidelines will be made available to infrastructure managers and works managers when consent is given.

*(Code of Practice - Management of Road and Utility Infrastructure in Road Reserves - Clause 49)*

The works manager has an obligation to reinstate any disturbed areas to a standard as nearly as is reasonably practicable to an equivalent standard of quality and design as was there before the works commenced.

*(Road Management Act – Schedule 7, Clause 12)*

If reinstatement is not completed satisfactorily, Council may recover costs reasonably incurred in conducting rectification works from the infrastructure manager or works manager that failed to comply with its reinstatement requirements.

*(Road Management Act, Schedule 7, Clause 19)*

# 6 NOTIFICATION REQUIREMENTS UPON COMPLETION OF WORKS

## 6.1 Notification of Completed Works

The works manager must within 7 days of completing any works, including any reinstatement works, notify Council as to the works that have been completed.

The period of 7 days may be varied by—

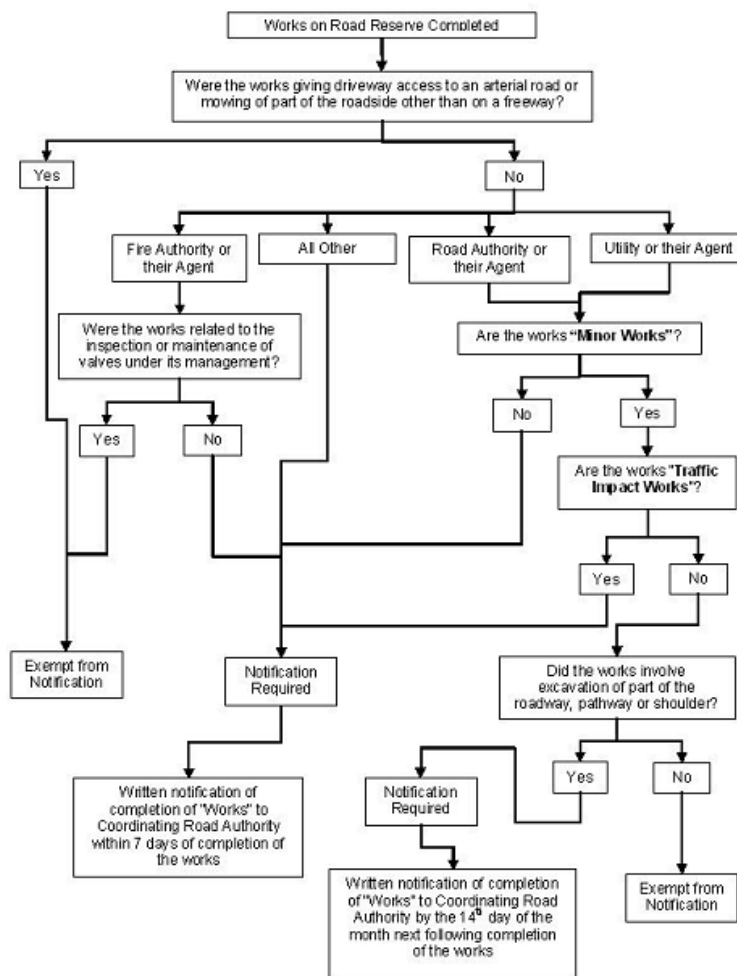
Works on Road Reserve Completed

- a) The relevant coordinating road authority;
- b) The regulations.

*(Road Management Act — Schedule 7, Clause 13)*

The Road Management (Works & Infrastructure) Regulations 2005, Regulation 9 allows a Utility to provide written notification of completion of works to the coordinating road authority by the 14<sup>th</sup> day of the month next following completion of the works when they have undertaken minor works on a roadway, pathway or shoulder that did not involve traffic impact works.

*(Road Management (Works & Infrastructure) Regulations 2005, Regulation 9)*



## 7 DEFINITIONS

<b>Coordinating Road Authority</b>	In relation to a road, means the Road Authority which has the responsibility to coordinate works in the road reserve.  As a general rule, for Freeways and Arterial Roads it is VicRoads, for municipal roads it is the local Municipal Council and for roads in National and State Parks, it is the Department of Environment and Primary Industries.
<b>Responsible Road Authority</b>	In relation to a road, means the Road Authority which has operational responsibility for the road. This is further defined in section 37 of the Road Management Act.
<b>Road</b>	Includes land declared under section 11 of the Road Management Act, a public highway and ancillary areas. It includes the reserve from boundary line to boundary line.
<b>Infrastructure Manager</b>	In relation to road infrastructure, the responsible road authority. In relation to non road infrastructure (e.g water mains, gas mains, power lines, etc.), the person or body that is responsible for its provision, installation, maintenance or operation.
<b>Works Manager</b>	Is any person or body that is responsible for the conduct of works in, on or under the road. For example, a contractor engaged by a Road Authority, Utility or private person.
<b>Utility</b>	Is the entity which provides, or intends to provide, water, sewerage, drainage, gas, electricity, telephone, telecommunications, public transport or other like service.

Table 7.0 - Definitions